

1-1 By: Krause, et al. (Senate Sponsor - Nelson) H.B. No. 234
 1-2 (In the Senate - Received from the House March 21, 2019;
 1-3 March 27, 2019, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 9, 2019, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 0; May 9, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 234 By: Campbell

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the local regulation of the sale of lemonade or other
 1-20 beverages by children.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Chapter 250, Local Government
 1-23 Code, is amended to read as follows:

1-24 CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY [~~OF~~
 1-25 ~~MUNICIPALITIES AND COUNTIES~~]

1-26 SECTION 2. Chapter 250, Local Government Code, is amended
 1-27 by adding Section 250.009 to read as follows:

1-28 Sec. 250.009. CERTAIN SALES OF BEVERAGES BY CHILDREN.
 1-29 Notwithstanding any other law, a municipality, county, or other
 1-30 local public health authority may not adopt or enforce an
 1-31 ordinance, order, or rule that prohibits or regulates, including by
 1-32 requiring a license, permit, or fee, the occasional sale of
 1-33 lemonade or other nonalcoholic beverages from a stand on private
 1-34 property or in a public park by an individual younger than 18 years
 1-35 of age.

1-36 SECTION 3. Chapter 202, Property Code, is amended by adding
 1-37 Section 202.020 to read as follows:

1-38 Sec. 202.020. CERTAIN SALES OF BEVERAGES BY CHILDREN. (a) A
 1-39 property owners' association of a residential subdivision may not
 1-40 adopt or enforce a restrictive covenant that prohibits or
 1-41 regulates, including by requiring a permit or fee, the occasional
 1-42 sale of lemonade or other nonalcoholic beverages from a stand on
 1-43 property located in the subdivision by an individual younger than
 1-44 18 years of age who resides in the subdivision.

1-45 (b) A property owners' association:

1-46 (1) does not owe a duty of care to persons
 1-47 participating in a beverage sale described by Subsection (a); and

1-48 (2) is not liable for any injury to persons
 1-49 participating in a beverage sale described by Subsection (a),
 1-50 except for willful or wanton acts or gross negligence of the
 1-51 association.

1-52 SECTION 4. This Act takes effect September 1, 2019.

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